

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:09-cv-243

-vs-

District Judge Walter Herbert Rice  
Magistrate Judge Michael R. Merz

:

CARROLL BUILDING COMPANY, LLC,  
et al.,

Defendants.

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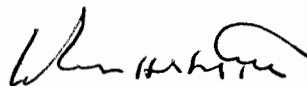
**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 8), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on December 24, 2009, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendants' Motion to Dismiss or Stay (Doc. No. 5) be, and it hereby is, denied. Defendants' request for an extension of time to answer after a ruling on their Motion to Dismiss is moot, given the amendments to the Federal Rules of Civil Procedure on December 1, 2009.

December 28, 2009.



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Walter Herbert Rice  
United States District Judge